

MORGAN, LEWIS & BOCKIUS LLP
Daniel Johnson, Jr. (State Bar No. 57409)
Brett M. Schuman (State Bar No. 189247)
Amy M. Spicer (State Bar No. 188399)
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
djjohnson@morganlewis.com
bschuman@morganlewis.com
aspicer@morganlewis.com

MORGAN, LEWIS & BOCKIUS LLP
Andrew J. Wu (State Bar No. 214442)
Harry F. Doscher (State Bar No. 245969)
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
awu@morganlewis.com
hdoscher@morganlewis.com

Attorneys for Plaintiffs and Counterdefendants
ALPHA & OMEGA SEMICONDUCTOR, INC.
ALPHA & OMEGA SEMICONDUCTOR, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 07-2638 JSW (EDL)
(Consolidated with Case No. 07-2664 JSW)

**DECLARATION OF HARRY F. DOSCHER
IN SUPPORT OF FAIRCHILD
SEMICONDUCTOR CORPORATION'S
ADMINISTRATIVE MOTION FOR AN
ORDER PERMITTING THE FILING OF
DOCUMENTS UNDER SEAL PURSUANT
TO CIVIL L.R. 79-5**

Date: September 16, 2008
Time: 2:00 p.m.
Location: Courtroom E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 I, Harry F. Doscher, declare as follows:

2 I am an Associate at the law firm of Morgan, Lewis & Bockius LLP, 2 Palo Alto Square,
3 3000 El Camino Real, Suite 700, Palo Alto, California 94306, and a member in good standing of
4 the Bar of the State of California. I am admitted to practice in the United States District Court for
5 the Northern District of California. Morgan, Lewis & Bockius LLP has been retained as trial
6 counsel for Plaintiffs and Counterdefendants Alpha & Omega Semiconductor, Inc. and Alpha &
7 Omega Semiconductor, Ltd. (together, "AOS") in the present action. I submit this declaration
8 pursuant to Civil L.R. 79-5(d), regarding Fairchild Semiconductor Corporation's Administrative
9 Motion for an Order Permitting the Filing of Documents Under Seal Pursuant To Civil L.R. 79-5.
10 I have personal knowledge of each statement set forth herein, and each such statement is true and
11 correct.

12 1. On August 2, 2007, the Court entered the Stipulated Protective Order. [D.I. 27].
13 The Stipulated Protective Order evidences the general agreement of the parties to this action that
14 information concerning product design and structure, manufacturing, and proprietary commercial
15 information, among other things, is highly confidential, and disclosure would create a substantial
16 risk of serious injury:

17 "Highly Confidential – Attorneys' Eyes Only" Information or
18 Items: highly sensitive "Confidential Information or Items," the
19 disclosure of which to another Party or non-party would create a
substantial risk of serious injury to the Producing Party.

20 * * *

21 Without written permission from the Designating Party or a court
22 order secured after appropriate notice to all interested persons, a
23 Party may not file in the public record in this Action any Protected
Material. A Party that seeks to file under seal any Protected
Material must comply with Civil Local Rule 79-5.

24 Stipulated Protective Order [D.I. 27] at 1:22-24 & 11:18-21. Protected Material, as defined in the
25 Stipulated Protective Order, includes material that is designated as "Confidential" or "Highly
26 Confidential – Attorneys' Eyes Only." *Id.* at 2:4-5.

27 2. Fairchild Semiconductor Corporation's Confidential Reply To AOS's Opposition
28 To Fairchild's Motion To Compel Production Of Documents contains highly confidential

1 proprietary technical and business information regarding the design, specifications, fabrication,
2 and structure of AOS's products, and confidential internal business practices, which would place
3 AOS at a competitive disadvantage if the information were to become publicly known,
4 particularly to the competitors of AOS, and has been designated by AOS as "Highly Confidential
5 – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order.

6 3. The Declaration Of Dr. Richard A. Blanchard In Support Of Fairchild
7 Semiconductor Corporation's Reply To AOS's Opposition To Fairchild's Motion To Compel
8 Production Of Documents contains highly confidential proprietary technical and business
9 information regarding the design, specifications, fabrication, and structure of AOS's products,
10 and confidential internal business practices, which would place AOS at a competitive
11 disadvantage if the information were to become publicly known, particularly to the competitors of
12 AOS, and has been designated by AOS as "Highly Confidential – Attorneys' Eyes Only"
13 pursuant to the Stipulated Protective Order.

14 4. For the foregoing reasons, I believe that good cause exists to protect Fairchild
15 Semiconductor Corporation's Confidential Reply To AOS's Opposition To Fairchild's Motion To
16 Compel Production Of Documents, by filing it under seal pursuant to Civil L.R. 79-5.

17 5. For the foregoing reasons, I believe that good cause exists to protect the
18 Declaration Of Dr. Richard A. Blanchard In Support Of Fairchild Semiconductor Corporation's
19 Reply To AOS's Opposition To Fairchild's Motion To Compel Production Of Documents, by
20 filing it under seal pursuant to Civil L.R. 79-5.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct to my personal knowledge.

23 Executed this 5th day of September, 2008, at Palo Alto, California.

24
25 /s/ Harry F. Doscher

26 Harry F. Doscher
27
28